

REMARKS

Claims 1-23 are pending in the application. Claims 6-12 and claim 21 have been withdrawn from consideration, claims 13-15 are objected to and claims 1-5 and 16-18 stand rejected. Claims 19, 20, 22 and 23 are allowed. Applicants acknowledge and thank the Examiner for indicating the allowability of claims 19, 20, 22, and 23. By this Amendment, claims 1, 3, 5, 14, 19 and 22 are amended, and claims 4, 13 and 18 are cancelled. The amendment of claim 1 generally finds support at page 7 paragraph [0021] to page 9 paragraph [0028].

Rejection Under 35 USC §102(b) and §102(e)

The Examiner rejected claims 1-5 and 17 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,113,191 to Seibold (the Seibold patent). The Examiner noted that the Seibold patent discloses a retractable seat attached to a floor, wherein the seat can be switched between a use condition and a retracted condition, and wherein a restraint mechanism is provided to prevent movement when the seat is in a use condition.

Applicants maintain that Applicants' invention is not disclosed by the Seibold patent and thus does not render Applicants' invention prima facie anticipated. Applicants respectfully request reconsideration of the rejections based upon the following comments.

Seibold discloses a seat assembly with a seat bottom (36), a seat back (32) comprised of an upper portion (42) and a lower portion (44), the seat bottom pivotally attached to one end of a leg link (38) and the other end of the leg link pivotally attached to the floor. The seat bottom (36) is also pivotally attached to the seat back (32) at a pivot mount (54) which allows the seat back to fold forward into the stored position. The seat back (32) extends to the floor such that lower seat portion (44) is pivotally attached to the guide member (40). The leg link (38) folds backwardly and the seat back (32) folds forwardly in the stored position. (Column 2, l. 61-67,

Column 3, l. 1-60 and Figures 3A-3C). In addition, the Seibold patent discloses a latch (112) for securing the seat assembly (30) in an in-use position. The latch (112) appears to attach to the seat mount (58). (Col. 5, l. 23-30; Figure 5).

The Seibold patent does not disclose a separate link mechanism, separate from the seat back, including a front leg and a rear leg that are each pivotally connected to the seat cushion and the floor. The Seibold patent also does not disclose a restraint mechanism that comprises a support mechanism, where the support mechanism further comprises a support member that is separated from the leg to be supported. One end of the support member is connected to a lock mechanism and the other end of the support member is rotatably connected to the floor. Further, the Seibold patent does not disclose a lock mechanism, nor a lock mechanism that is located on the leg to be supported by the support member. Since the Seibold patent does not disclose each and every element set forth in claim 1 as amended, then claim 1 is not anticipated. Claims 2-5 and 17 depend from claim 1 and therefore are also not anticipated. Since the Seibold patent does not disclose Applicant's invention, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-5 and claim 17.

While Applicants do not acquiesce in the assertions of the Examiner with respect to the features of the dependent claims, Applicants do not comment further on these issues at the present time since they are moot in view of the analysis above.

Claim 18 was rejected under 35 U.S.C. 102(e) as being anticipated by Schambre et al. (U.S. Patent No. 6,601,901). Claim 18 has been cancelled, thereby obviating the rejection. Applicants respectfully request the withdrawal of the rejection of claim 18 since it has been cancelled.

Rejection Under 35 USC §103

The Examiner rejected claim 16 under 35 U.S.C. 103(a) as being unpatentable over Seibold. The Examiner notes that it would have been obvious to include a recess in the vehicle floor for receiving the seat and the motivation would have been to provide a flat cargo surface when the seat is retracted. Seibold does not teach or suggest a recess in the vehicle floor for receiving the seat.

The Seibold patent does not teach or suggest all of the elements of claim 1 as amended, or of claim 16. Claim 16 depends from claim 1. For example, Seibold does not teach or suggest a separate link mechanism including the front leg and the rear leg, where the link mechanism folds down backwardly when the seat is changed to the retracted condition. Instead, the Seibold patent teaches away from this configuration by teaching rearward movement of the leg link and the forward movement of the lower seat back. (Col. 4, l. 18-53, Fig. 3C).

Further, Seibold does not teach or suggest a restraint mechanism that comprises a support mechanism, where the support mechanism further comprises a support member that is separated from the leg to be supported, and where one end of the support member is connected to a lock mechanism and the other end of the support member is rotatably connected to the floor. Further, the Seibold patent does not disclose a lock mechanism, nor a lock mechanism that is located on the leg to be supported by the support member. The Seibold patent teaches an arm link (34) that is pivotally attached, at one end, to the seat back (32) at the shoulder mount (46) and, at the other end, to the guide member (40) (or alternatively, to the vehicle). (Col. 3, l. 9-15). Further, Seibold discloses a latch (112) for securing the seat assembly (30), where the latch appears to be attached to seat mount (58). (Col. 5, l. 23-30; Figure 5)

Since the Seibold patent does not teach or suggest all the claim limitations of claim 1, as amended, and claim 16 depends from claim 1, then claim 16 is not obvious. Further, the Seibold patent does not teach or suggest all the claim limitations of claim 16, hence claim 16

is not obvious. Applicants respectfully request the reconsideration and withdrawal of the rejection of claim 16 under §103(a).

Allowable Subject Matter

Claims 13-15 were objected to as being dependent upon a rejected base claim, but would have been allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 13 has been incorporated in claim 1, and claims 14 and 15 are dependent from amended claim 1.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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